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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-245**

12 **LORELEI ANNE CASTILLO CASIMIRO,**  
13 **a.k.a. LORELEI-ANNE CASTILLO**  
**CASIMIRO, a.k.a. LORELEI ANNE C.**  
14 **CASIMIRO, a.k.a. LORELEI ANNE**  
**BONEY CASTILLO, a.k.a. LORELEI**  
15 **ANNE CASIMIRO, a.k.a. ANNE**  
**CASIMIRO**  
16 **2749 Gilham Way**  
**San Jose, CA 95148**  
17 **Registered Nurse License No. 655013**

**ACCUSATION**

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
23 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
24 of Consumer Affairs.

25 2. On or about March 24, 2005, the Board of Registered Nursing issued Registered  
26 Nurse License Number 655013 to Lorelei Anne Castillo Casimiro, also known as Lorelei-Anne  
27 Castillo Casimiro, also known as Lorelei Anne C. Casimiro, also known as Lorelei Anne Boney  
28

1 Castillo, also known as Lorelei Anne Casimiro, also known as Anne Casimiro (Respondent). The  
2 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
3 in this Accusation and will expire on May 31, 2012, unless renewed.

#### 4 JURISDICTION

5 3. This Accusation is brought before the Board of Registered Nursing (Board),  
6 Department of Consumer Affairs, under the authority of the following laws. All section  
7 references are to the Business and Professions Code unless otherwise indicated.

8 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,  
9 that the Board may discipline any licensee, including a licensee holding a temporary or an  
10 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
11 Nursing Practice Act.

12 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
13 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
14 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the  
15 Code, the Board may renew an expired license at any time within eight years after the expiration.

16 6. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license  
17 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
18 within which the license may be renewed, restored, reissued or reinstated.

#### 19 STATUTORY PROVISIONS

20 7. Section 2761 of the Code states:

21 "The board may take disciplinary action against a certified or licensed nurse or deny an  
22 application for a certificate or license for any of the following:

23 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

24 ...

25 "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
26 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
27 conclusive evidence thereof."  
28

8. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

9. California Code of Regulations, Title 16, section 1444, states, in pertinent part:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.”

## COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**FIRST CAUSE FOR DISCIPLINE**  
**(Unprofessional Conduct)**  
**(Bus. & Prof. Code § 2761(a))**

11. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761(a) in that she engaged in unprofessional conduct by attempting to remove documents and delay and obstruct a Department of Justice Officer in the discharge or attempt to discharge a duty of his or her office and employment. The circumstances are as follows:

12. On or about February 2, 2009, the California Department of Justice, Bureau of Medical Fraud and Elder Abuse (BMFEA), assigned Special Agents to investigate a complaint that on or about September 7, 2008, an employee of Herman Health Care Center (HHCC) in San Jose, California, Certified Nursing Assistant (CNA) Bermando Baluyot, struck a resident of HHCC. The Special Agents assigned to the investigation interviewed several employees and residents of HHCC. In the course of their investigation, the Special Agents discovered several incidents of resident abuse at HHCC in addition to the September 7, 2008, incident.

1        13. On or about April 20, 2009, two Special Agents interviewed Respondent, who was  
2 HHCC's Director of Nursing at the time, and who also served as the Director of Nursing at the  
3 time of the incident giving rise to the investigation. Respondent stated that she had been  
4 employed at HHCC for approximately three years. As the Director of Nursing, her job duties  
5 included overseeing the nursing staff, ensuring residents received quality care from the nursing  
6 staff, and assisting with abuse investigations. According to Respondent, the process she followed  
7 when she received an abuse allegation was to: (1) remove the suspect from the floor to protect the  
8 residents; (2) interview the parties involved; (3) assess the victim; and (4) notify the police  
9 department or Ombudsman Society. Respondent explained that HHCC policy required  
10 employees to report suspected resident abuse to the Abuse Coordinator, a Charge Nurse, or a  
11 floor supervisor. Respondent stated that while she took notes on reported abuse, she failed to  
12 document any disciplinary action issued against employees. Respondent told the Special Agents  
13 that she possessed a binder with incident report documentation, and the Special Agents asked to  
14 see it. Respondent agreed to share the binder with the Special Agents. Respondent maintained  
15 that she gave verbal warnings to employees for committing alleged abuse, however if the abuse  
16 allegations were proven, a verbal warning was insufficient, which suggests that more severe  
17 disciplinary action was taken or should have been taken. When asked why there were no  
18 employee suspensions in the past year despite numerous reports of abuse, Respondent claimed  
19 that she and the Abuse Coordinator were not notified of any abuse.

20        14. Respondent stated that it was not until she began her investigation into the September  
21 7, 2008, incident involving Mr. Baluyot that she learned about reports that Mr. Baluyot had  
22 abused several other residents. According to Respondent, she was unable to obtain further  
23 information about Mr. Baluyot's alleged abuse of other residents. When Respondent was  
24 questioned about numerous instances of resident abuse as described by several HHCC employees  
25 during their interviews with the Special Agents, Respondent described the disciplinary action  
26 taken against the employees, if any, however she also denied knowledge of several instances of  
27 reported abuse. Respondent admitted that she may have overlooked disciplining employees for  
28 alleged resident abuse.

1        15. Once Respondent indicated that she possessed a binder with incident report  
2 documentation, one of the two Special Agents temporarily excused herself from the interview to  
3 meet with HHCC's Human Resources Director (HRD) and inform her that Respondent had  
4 incident report documentation in her locked office. The Special Agent instructed the HRD to  
5 prohibit anyone from accessing Respondent's office and warned her to be on alert for anyone  
6 trying to take files from Respondent's office. The Special Agent then returned to the interview.

7        16. Respondent eventually excused herself from the interview, stating that she wanted to  
8 get some water. Respondent returned to the interview room 15 to 20 minutes after excusing  
9 herself. Shortly after Respondent returned to the interview room, the HRD entered the room and  
10 placed a stack of 20 to 30 files on the table. The HRD explained to the Special Agents that while  
11 sitting at her desk, she heard the door to Respondent's office open and close. Remembering the  
12 Special Agent's warning, the HRD further investigated and found HHCC's Director of Staff  
13 Development (DSD) in the Abuse Coordinator's office throwing away the 20 to 30 files.  
14 Apparently, the DSD had entered Respondent's office, removed the 20 to 30 files, and carried the  
15 files into the Abuse Coordinator's office where she was found throwing them away.

16        17. When asked about the files, Respondent initially acted as if she had never seen them  
17 before. Respondent later admitted that she was concerned that she had not completed the  
18 disciplinary documentation for a few of the employees. Upon further questioning, Respondent  
19 stated that at the time she excused herself from the interview to obtain water, she actually walked  
20 to another hall in the facility and gave her desk key to a nurse. She told the nurse to find the  
21 DSD, give her the desk key, and have the DSD go to Respondent's office and wait. When the  
22 DSD was inside Respondent's office, Respondent called the DSD, told her to unlock  
23 Respondent's desk drawer, remove the files, and put them in a "safe place." After Respondent  
24 explained what had occurred, she apologized to the Special Agents and stated that she knew she  
25 "had truly messed up."

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SECOND CAUSE FOR DISCIPLINE  
**(Unprofessional Conduct – Conviction)**  
**(Bus. & Prof. Code §§ 490, 2761(f))**

18. Complainant realleges the allegations contained in paragraphs 12 through 17 above, and incorporates them by reference as if fully set forth.

19. Respondent has subjected her registered nurse license to disciplinary action under Code sections 490 and 2761(f) in that on or about December 28, 2009, in a criminal proceeding entitled *The People of the State of California v. Lorelei-Anne Casimiro*, in Santa Clara County Superior Court, Case Number CC947214, Respondent was convicted by plea of nolo contendere of one count of violating Penal Code section 148(a)(1) (resisting, delaying, or obstructing a public officer in their discharge or attempt to discharge any duty of his or her office or employment), a misdemeanor. Respondent was sentenced to one year of probation and ordered to perform 100 hours of community service. The circumstances of Respondent's conviction are set forth above.

THIRD CAUSE FOR DISCIPLINE  
**(Unprofessional Conduct)**  
**(Bus. & Prof. Code §2761(a))**

20. Complainant realleges the allegations contained in paragraphs 12 through 17 above, and incorporates them by reference as if fully set forth.

21. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761(a) in that as the Director of Nursing at HHCC, from at least on or about September 7, 2008, until on or about April 20, 2009, Respondent failed to properly respond to reports of resident abuse by employees at HHCC, and she therefore allowed a pattern and practice of resident abuse to persist at HHCC.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

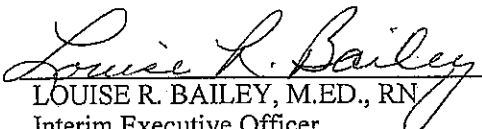
1. Revoking or suspending Registered Nurse License Number 655013, issued to Lorelei Anne Castillo Casimiro, also known as Lorelei-Anne Castillo Casimiro, also known as Lorelei

1 Anne C. Casimiro, also known as Lorelei Anne Boney Castillo, also known as Lorelei Anne  
2 Casimiro, also known as Anne Casimiro;

3 2. Ordering Lorelei Anne Castillo Casimiro, also known as Lorelei-Anne Castillo  
4 Casimiro, also known as Lorelei Anne C. Casimiro, also known as Lorelei Anne Boney Castillo,  
5 also known as Lorelei Anne Casimiro, also known as Anne Casimiro to pay the Board of  
6 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
7 pursuant to Business and Professions Code section 125.3;

8 3. Taking such other and further action as deemed necessary and proper.  
9

10 DATED: 9/20/10

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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